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November 13, 1995

BY HAND DELIVERY

William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, NW  
Washington, DC 20554

NOV 15 1995

Re: Written Ex Parte Presentation - PP Docket No. 93-253

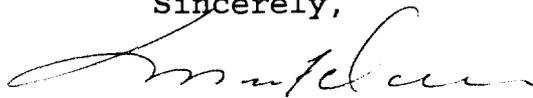
Dear Mr. Caton:

Cook Inlet Region, Inc. ("CIRI") hereby gives notice of a written ex parte presentation in the above-referenced proceeding. The presentation was made in the form of the attached letter.

CIRI delivered the attached letter to Chairman Hundt and to Commissioners Quello, Barrett, Chong, and Ness. CIRI also delivered the letter to individuals in the Office of the General Counsel, the Wireless Telecommunications Bureau, and the Auctions Division.

Two copies of the letter are submitted herewith pursuant to Section 1.1206(a)(1) of the Commission's Rules, 47 C.F.R. § 1.1206(a)(1) (1994).

Sincerely,



Mark F. Dever

Enclosures

cc: The Honorable Reed E. Hundt  
The Honorable James H. Quello  
(continued)

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DRINKER BIDDLE & REATH

William F. Caton  
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The Honorable Andrew C. Barrett  
The Honorable Rachelle B. Chong  
The Honorable Susan Ness

William E. Kennard  
Christopher J. Wright  
Peter A. Tenhula  
Ralph Haller  
Rosalind K. Allen  
Kathleen O'Brien Ham  
Jackie Chorney  
Jay Markley



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## COOK INLET COMMUNICATIONS

November 13, 1995

Mr. Reed Hundt  
 Chairman  
 Federal Communications Commission  
 1919 M Street, NW  
 Room 814  
 Washington, DC 20554

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NOV 13 1995

TELEPHONE ROOM

Dear Chairman Hundt:

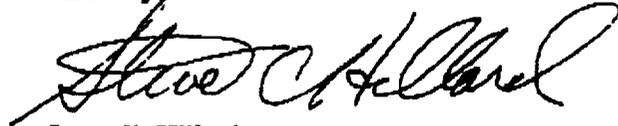
In light of last week's ruling by the Sixth Circuit Court of Appeals in the Radiofone case, I wanted to share with you the thoughts of Cook Inlet Region, Inc. regarding the C block PCS auction. Those thoughts are as follows:

- (1) Above all, the Commission should not delay the C block auction.
- (2) Instead, the Commission should adopt a three-point approach:
  - Announce publicly that it believes the cross-ownership and attribution rules (the "Rules") are correct and have ample support in the administrative record, that the Commission intends to pursue all legal appeals, and that the Commission will vigorously defend these Rules.
  - Allow a reasonable but limited accommodation of the small number of parties such as Radiofone who are affected by the Court decision and who might also qualify for the C block auction. This could be done by allowing a ten day window, beginning next week, to file and/or amend Form 175's for the C block auction for those specific BTA's as to which they would have been ineligible under the Rules.
  - Provide that parties such as Radiofone may bid in the auction, subject to final resolution of the Rules.
- (3) Delaying the auction is bad for a number of very practical as well as legal reasons:
  - Above all, such delay may well be the final, fatal blow to the economic prospects for the C block auction.

- Further delay of this auction will seriously undermine the integrity and reliability of the entire auction process in Congress, within the communications industry, and in the financial industry.
  - Further delay will be an encouragement for those who wish to further cloud the \$7-plus billion A and B block auction results. This will exacerbate current uncertainties and further hinder the roll-out of wireless competition.
  - Further delay will run afoul of impending Congressional legislation which will ratify all the C block rules as adopted by the Commission and which will mandate a December 11 auction date.
  - Further delay is not legally necessary – the Commission has not been enjoined by any court, and the Commission’s rules have not been vacated. Under the accommodative approach outlined above and given the Supreme Court’s recent ruling on the last stay, further judicial stays are unlikely.
- (4) As the party which has led the formation of an industry-wide group to support the Commission, litigated shoulder to shoulder alongside the Commission through every proceeding (including reversing the *Omnipoint* stay), and led the legislative effort to insure that the C block auction occurs, we believe that the above path will be successful.

I appreciate the opportunity to share our thoughts to you.

Sincerely,



Steve C. Hillard  
Vice President

cc: Commissioner Quello  
Commissioner Barrett  
Commissioner Ness  
Commissioner Chong  
Roy M. Huhndorf, Chairman, CIRI  
Carl Marrs, President, CIRI